

I hereby certify that this correspondence and any other documentation referred to in this Petition is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date:

December 10, 2001

By:

Lynnea B. Anderson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 802-04RE (55525-8029.US07)

IN RE APPLICATION OF:

Sydney Brenner

EXAMINER: Shibuya, M.

SERIAL NO.: 09/366,081

ART UNIT: 1635

FILED: August 2, 1999

FOR: **COMPOSITIONS FOR SORTING
POLYNUCLEOTIDES**

**Petition to Revive Unintentionally Abandoned
Application under 37 CFR §1.137(b)**

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OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. The applicant hereby petitions for revival of the above-identified reissue application, which apparently became abandoned on October 10, 2001 for failure to file a response to the Office action mailed April 9, 2001.
2. Reply Under 37 CFR §1.137(b)(1)
Enclosed herewith is a reply to the Office action.
3. Fee Under 37 CFR §1.137(b)(2)
Please charge the fee due of \$1280.00 (large entity) under 37 CFR 1.17(m) to Deposit Account No. 50-0665.
4. Statement Under 37 CFR §1.137(b)(3)
The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.
5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)
☒ This petition is being filed within 3 months of the date on which the applicant was first aware of the abandonment. Under current USPTO practice, further information regarding the abandonment is not required.

- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by * explaining how the abandonment occurred and how it was unintentional.
 - ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by * explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.
6. Terminal Disclaimer under 37 CFR §1.137(b)(4) and (c)
- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
 - ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.
7. Additional Fees
- Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-0665.

Respectfully submitted,



LeeAnn Gorthey
Registration No. 37,337

Date: 12-10-01

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